



02-29-12

PA/HS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Srivats, et al.

Serial No.: 10/585,389

Filed: January 6, 2005

Attorney Docket No.: 04-40395-US

Group Art Unit 3617

Examiner: Bellinger, Jason R

TITLE: WHEELS OF UNITARY  
CONSTRUCTION AND METHOD OF  
MAKING SAME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT PURSUANT TO 37 C.F.R. §1.181(a)**

Sir:

Applicants hereby request withdrawal of the holding of abandonment in the above-captioned application, which was erroneously deemed abandoned by the Examiner for failure to file a Notice of Appeal or a Request for Continuation of Examination (RCE) within the statutory period of 6 months from the mailing date of the final office action dated April 18, 2011.

Applicants submit that a timely Notice of Appeal was filed on October 18, 2011 for the above-captioned application, along with a petition for a three month extension of time to file. Moreover, Applicants submit that the Office's own records indicate that the Notice of Appeal was accorded a filing date of October 18, 2011, and therefore timely. In support of the foregoing, Applicants include herewith:

(1) a copy of a postcard receipt constituting *prima facie* evidence that the Notice of Appeal had been timely filed, *see* MPEP 711.03(c) ("applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed"), attached hereto as Exhibit A;

(2) a screen capture of the image file wrapper for the above-captioned application demonstrating that the Office has accorded the Notice of Appeal a timely filing date, October 18, 2011, attached hereto as Exhibit B; and

(3) a copy of the Notice of Appeal, attached hereto as Exhibit C.

In view of the foregoing, Applicants respectfully submit that the above-captioned application is not abandoned and request that the Commissioner withdraw the Examiner's erroneous entry of abandonment.

No fee is required in a petition under 37 C.F.R. §1.181(a); however, to the extent that a fee is required, the Commissioner is hereby authorized to charge any additional fees required or credit any overpayment to Deposit Account No. 18-0586.

Applicants respectfully request early notification that the entry of abandonment has been withdrawn and that the Notice of Appeal has been properly processed.

**EXPRESS MAIL CERTIFICATE (37 CFR 1.10)**

Express Mail Label No. EV 831186718 US

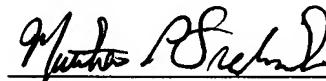
Date of Deposit: 1-27-2012

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Name: Cody M. Nye

Signature: Cody M. Nye

Respectfully submitted,  
**REED SMITH LLP**

  
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## EXHIBIT A

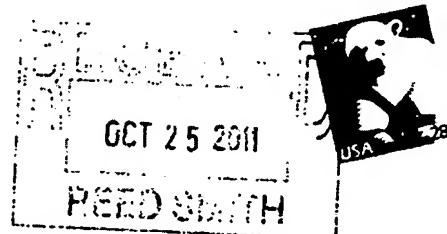
Pat/Serial No. 10/585,389 1) Transmittal letter  
Title: Sheath of Utility Construction 2) Response to Final OA  
and Method of Making Same 3) Notice of Appeal  
Appl/Patentee JOHN G. STETZ 4) Petition for Three  
Atty. Docket # 04-10395-US 5) Credit Card Payment  
as Patent and Trademark Office acknowledges,  
I has stamped hereon, the date of the receipt of  
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## EXHIBIT B





## EXHIBIT C